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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-000445 HRL
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED]
v.)	ORDER CONTINUING CHANGE OF
)	PLEA DATE AND EXCLUDING TIME
ROBERT WAYNE MCMARTIN,)	UNDER THE SPEEDY TRIAL ACT
a/k/a Charles Bernie Kaiser,)	
)	
Defendant.)	SAN JOSE VENUE
)	

The undersigned parties respectfully request that the change of plea hearing scheduled for August 11, 2008 at 9:30 a.m. be continued to September 25, 2008 at 1:30 p.m. The reason for the continuance is to afford defense counsel Bernard Vogel additional time to complete his investigation and review a proposed disposition offered by the government. In addition, the parties agree and stipulate that a waiver of time under the Speedy Trial Act from August 11, 2008 to September 25, 2008 is appropriate. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

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1 SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

2
3 DATED: 8/6/08

/s/
SUSAN KNIGHT
Assistant United States Attorney

4
5 DATED: 8/6/08

/s/
BERNARD J. VOGEL, JR.
Counsel for Mr. Kaiser

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7
8 Accordingly, the Court HEREBY ORDERS that the change of plea hearing is
9 continued to September 25, 2008 at 1:30 p.m.

10 For good cause shown, the Court FURTHER ORDERS that time be excluded under the
11 Speedy Trial Act from August 11, 2008 to September 25, 2008. The Court finds, based on the
12 aforementioned reasons, that the ends of justice served by granting the requested continuance
13 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant
14 the requested continuance would deny defense counsel reasonable time necessary for effective
15 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
16 of justice. The Court therefore concludes that this exclusion of time should be made under 18
17 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

18 SO ORDERED.

19
20 DATED: _____

HOWARD R. LLOYD
United States Magistrate Judge